IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.425 OF 2003

Deepak Zimaji Padval ...Applicant
Vs.
Balu Rajaka Padval & Ors. ...Respondents

Mr. Ambar Joshi i/by Nayan Thatte for the Applicant.
Mr. N.N. Gawankar for the Respondent Nos.1 and 2.
Ms Rajeshree Gadhvi for the Respondent No.3-State.

CORAM : A. S. OKA, J.
DATE : AUGUST 29, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant. The Revision Application is filed by the original complainant challenging the order of acquittal.

2. Perusal of the judgment of the learned Trial Judge and notes of evidence shows that the entire oral and documentary evidence has been considered. The discovery at the instance of the Accused No.1 has been disbelieved as the same appears to be suspicious. The evidence of the eye-witnesses has been discarded by giving more than one reason. The Trial Court observed that apart from the fact that the eye-witnesses being close relatives of the deceased, none of the neighbours living in the vicinity were examined. Moreover, the learned Trial Judge noted that when the deceased was brought to the hospital, the history of assault was not given.

3. Considering all the evidence on record, the learned Judge has acquitted the accused persons. There is no manifest illegality or procedural irregularity. Hence, Revision Application is rejected.

JUDGE